

REMARKS

Claims 1-10 are all the claims pending in this application. Claim 1 has been amended herein. This Amendment, submitted in reply to the Non-Final Office Action dated February 13, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Preliminary Matters

Applicant would like to thank the Examiner for conducting the interview with the Applicant's representative on August 7, 2009.

Claim Rejections under 35 U.S.C. § 102

Claims 1-6, 8 and 9 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Barrington (U.S. 5,306,248). Applicant respectfully traverses this rejection.

Claim 1 recites, *inter alia*:

...a retaining mechanism...comprising...

at least one half-nut...

a control member...

wherein the control member comprises a finger bearing against the corresponding half-nut and adapted... to bear against two surfaces carried by the half-nut,

the two surfaces being arranged in succession longitudinally along the syringe axis from the back to the front thereof and offset from each other in a radial direction of the syringe body...

In other words, an exemplary structure consistent with claim 1 includes a half nut having two surfaces arranged in succession longitudinally along the syringe axis. Further, the surfaces are also offset from each other in a radial direction of the syringe body. An exemplary embodiment of this structure is shown in Figs. 4a and 4b of the present specification.

MPEP 2131 states “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states “The elements must be arranged as required by the claim...” *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Further, the Court has held that “it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct teachings that the artisan might somehow combine to achieve the claimed invention.” *See Net MoneyIn v. Verisign, Inc. et al*, No. 2007-1565 (Fed. Cir. 2008). Therefore, in order for Barrington to anticipate the present claims, the reference must show **each and every feature recited in the claims**, and the **elements must be arranged exactly as stated in the claims**.

In rejecting claim 1, the Examiner asserts that elements 42 and 43 of Barrington, best shown in Figs. 4 and 5, correspond to the claimed “two surfaces”. However, Figs. 4 and 5 are both described as being cross sections taken of the syringe axis. *See* Col. 4, lines 30-35.

As elements 42 and 43 are both shown in the same cross sections (Figs 4 and 5) of the syringe axis, these elements cannot be “arranged in succession longitudinally along the syringe axis from the back to the front thereof”. If elements 42 and 43 were “arranged in succession longitudinally along the syringe axis from the back to the front thereof”, only one of the elements would be visible in each cross section. Applicant respectfully submits that elements 42 and 43 correspond to radial stops formed in the cam surface 40 of the flexible support arm, which are not “arranged in succession longitudinally along the syringe axis from the back to the front thereof”. Further, Barrington provides no suggestion that elements 42 and 43 could be “arranged

in succession longitudinally along the syringe axis from the back to the front thereof’.

Therefore, Applicant submits that Barrington does not teach, or even fairly suggest a half nut having “**two surfaces being arranged in succession longitudinally along the syringe axis from the back to the front thereof**”, as claimed.

Further, Applicant notes that during the Examiner interview, the Examiner acknowledged that Barrington failed to teach **or even suggest two surfaces** “arranged in succession longitudinally along the syringe axis from the back to the front thereof” as claimed. Therefore, Applicant respectfully submits that claim 1, and all claims dependent thereon, are patentable over this reference for at least this reason.

Claim Rejections under 35 U.S.C. § 103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Barrington in view of Spool et al. (U.S. 6,110,151; henceforth “Spool”). Further, claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Barrington in view of Dixon et al. (U.S. 6,916,308; henceforth “Dixon”). Applicant respectfully traverses these rejections.

Claims 7 and 10 both depend directly from claim 1, which has been shown above to be novel over the Barrington reference. Neither Spool, nor Dixon provides any teachings regarding a half nut having two surfaces “arranged in succession longitudinally along the syringe axis from the back to the front thereof” as claimed. Therefore, the Spool and Dixon references each fail to cure the above discussed deficiencies of the Barrington reference. Therefore, Applicant respectfully submits that claims 7 and 10 are novel at least by virtue of their dependency and respectfully requests that the rejection of these claims be withdrawn.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Filed concurrently herewith is a Petition for Extension of Time requesting a 3-month extension of time. The present response is being filed within 6 months of February 13, 2009, the mailing date of the outstanding office action.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

Date: August 13, 2009

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